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UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

JACQUES SMITH and GERALDINE SMALLS,
Individually and on behalf of all other persons similarly
situated,

Plaintiffs-Appellants,

and

JERUAH WARD,

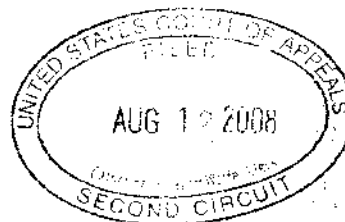
Plaintiff,

- against -

THE BANK OF NEW YORK COMPANY, INC.,

Defendant-Appellee.

Docket No.: 08-2766-cv



JACQUES SMITH, Individually and on behalf of all
other persons similarly situated,

Plaintiffs-Appellants,

- against -

BANK OF NEW YORK,

Defendant-Appellee.

Docket No.: 08-2763-cv

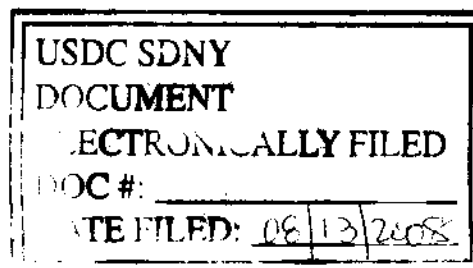
**STIPULATION WITHDRAWING APPEALS FROM ACTIVE
CONSIDERATION, WITHOUT PREJUDICE, WITH LEAVE TO REACTIVATE**

The undersigned counsel for the parties hereby stipulate that the above-captioned appeals are hereby withdrawn without costs and without attorneys' fees and **without prejudice**, subject to reactivation of the appeals by appellants' counsel by written notice to the Clerk of this Court by Friday, September 19, 2008.

If not thus timely reactivated, the appeals shall be subject to dismissal.

CERTIFIED:

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Withdrawal of the appeals from active consideration shall not operate as a dismissal of the appeals under F.R.A.P. 42(b).

New York, New York
August 5, 2008

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Dorothy Rosensweig

So ordered:

FOR THE COURT
Catherine O'Hagan Wolfe, Clerk of Court
By: Vidya Kurella
Vidya Kurella, Staff Counsel

A TRUE COPY
Catherine O'Hagan Wolfe, Clerk
by [Signature]
DEPUTY CLERK